IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

REVIEW PETITION NO.133 OF 2005
IN
WRIT PETITION NO.6249 OF 2005

Chandrakant S. Marne. ...Petitioner.
Vs.
Union of India & Anr. ...Respondents.
....
Mr. D. V. Gangal for the Petitioner.
Mr. S.S. Pakale with Mr. Y.S. Bhate for the Respondents.
.....

CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

October 20, 2005.

P.C.

This is an application for review. It is firstly contended that this Court did not take into consideration the ratio of the judgment in **Bibhuti Bhushan Chaudhary vs. Union of India**, 1998 SCC (L&S) 158. In that case, the employee had been suspended, but thereafter had been reinstated. The question was whether the period of suspension should be counted for the purposes of his service. The issue therefore was after an employee is reinstated, how should the period of suspension be treated. In the instant case, the Petitioner continues to be under suspension. The ratio of **Bibhuti Bhushan Chaudhary,** therefore, will not apply to the

facts of this case.

2. It is next contended that Rule 14 of the CCS(Pension) Rule, 1972 ought to have been considered. That is the rule which contemplates as to which service shall qualify for pension. In the instant case, though the relationship of the Petitioner continues as an employee, yet by the act of suspension that remains in suspension till the enquiry is completed, or suspension revoked or until such time an order is passed concluding the enquiry. Rule 14 will, therefore, not be attracted.

3. In the light of that, there is no merit in the Review Petition. Apart from these points no other point has been urged. The Review Petition is dismissed.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)